

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA, )  
)  
Plaintiff, )  
)  
v. )  
)  
DANIEL O'BRYANT, )  
)  
Defendant. )

Case No. 4:07CR610 CDP

**ORDER**


This matter is before the Court on defendant David O'Bryant's motion to dismiss counts 74, 75 and 82 of the superseding indictment. The motion was referred to United States Magistrate Judge Frederick R. Buckles under 28 U.S.C. § 636(b). Judge Buckles has recommended that the motion be granted, and no party has filed any objections. I will therefore adopt and sustain the Report and Recommendation.

Accordingly,

**IT IS HEREBY ORDERED** that the Report and Recommendation of the United States Magistrate Judge [#56] is **SUSTAINED, ADOPTED, and INCORPORATED** herein.

**IT IS FURTHER ORDERED** that defendant's motion to dismiss Counts 74, 75 and 82 of the superseding indictment [#50] is granted.

**IT IS FURTHER ORDERED** that Counts 74, 75 and 82 of the  
Superseding Indictment are dismissed with prejudice.

  
CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 29th day of January, 2009.